

**RESOLUTION NO. 2009- 38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF NEWPORT BEACH APPROVING THE TRANSFER OF  
DEVELOPMENT RIGHTS IN THE NORTH NEWPORT  
CENTER PLANNED COMMUNITY (TD 2009-001, PA 2009-  
073)**

WHEREAS, The Irvine Company has applied to the City of Newport Beach for approval of a transfer of development rights as follows:

(1) The transfer to North Newport Center Block 600 of development rights for development of 241,711 square feet currently assigned to San Joaquin Plaza.

(2) The transfer to North Newport Center Block 600 of development rights for development of 85,756 square feet currently assigned to North Newport Center Block 500.

WHEREAS, The Irvine Company has also proposed to re-assign 430 residential units previously approved in North Newport Center Block 600 to San Joaquin Plaza.

WHEREAS, General Plan Policy LU 6.14.3 permits development rights to be transferred within Newport Center as long as the transfer is consistent with the intent of the General Plan and will not result in any adverse traffic impacts.

WHEREAS, the North Newport Center Planned Community Development Plan provides that the City Council shall approve a transfer of development rights if it finds that the transfer will result in no more trips and no greater intensity of land use than the development allowed without the transfer.

WHEREAS, the Zoning Implementation and Public Benefit Agreement (Development Agreement) granted The Irvine Company development rights to 430 of the 450 residential units allocated in the General Plan for MU-H3 properties in Newport Center.

WHEREAS, the North Newport Center Planned Community Development Plan and the Development Agreement permit the development of the 430 residential units within either Block 500, Block 600, or San Joaquin Plaza; however, the traffic study prepared in conjunction with the Development Agreement anticipated the units to be constructed within Block 600.

WHEREAS, Section 6.3 of the Development Agreement states that should The Irvine Company desire to develop any of the residential units in Newport Center Block 500 or San Joaquin Plaza, compliance with the Traffic Phasing Ordinance is required relative to potential impacts associated with such change in location.

WHEREAS, a traffic analysis entitled *North Newport Center Transfer of Development Rights* (Austin-Foust Associates, Inc., June 3, 2009) was prepared for the application for the transfer of development rights in compliance with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan.

WHEREAS, the traffic analysis found that, consistent with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan, the transfer of development rights will not result in any adverse traffic impacts.

WHEREAS, the traffic analysis found that, consistent with Section 6.3 of the Development Agreement, the proposed change in location of the residential units from Block 600 to San Joaquin Plaza does not result in any change to the PM peak hour trip generation (trip neutral) and is not expected to change the resulting trip patterns; therefore, the City Traffic Engineer has determined that a new traffic study is not required to be prepared pursuant to the City's Traffic Phasing Ordinance.

WHEREAS, the transfer of development rights does not involve a conversion of land uses and will not result in greater intensity than development allowed without the transfer.

WHEREAS, the City Council considered the application at a public meeting on June 9, 2009, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California, at which time the City Council considered the transfer of development rights and the traffic analysis.

WHEREAS, the City Council finds that:

(1) Consistent with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan, the transfer of development rights will not result in any adverse traffic impacts, as documented in the traffic study.

(2) Consistent with General Plan Policy LU 6.14.3 and the North Newport Center Planned Community Development Plan, the transfer of development rights will not result in greater intensity than that which is allowed without the transfer, and is consistent with the intent of the General Plan.

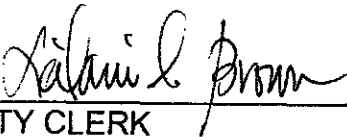
(3) Consistent with Section 6.3 of the Development Agreement, the proposed change in location of the residential units from Block 600 to San Joaquin Plaza does not result in any change to the PM peak hour trip generation (trip neutral) and is not expected to change the resulting trip patterns, as documented in the traffic analysis, and does not warrant the preparation of a new traffic study pursuant to the Traffic Phasing Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the transfer of development rights (TD 2009-001, PA 2009-073), based on the weight of the evidence in the administrative record, including the traffic and intensity studies.

PASSED AND ADOPTED on the 9th day of June, 2009

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK



STATE OF CALIFORNIA                    }  
COUNTY OF ORANGE                    }  
CITY OF NEWPORT BEACH                }       ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2009-38 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 9th day of June, 2009, and that the same was so passed and adopted by the following vote, to wit:

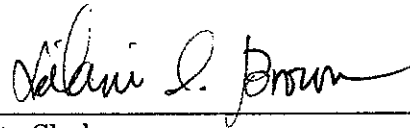
Ayes:       Henn, Rosansky, Curry, Webb, Gardner, Daigle, Mayor Selich

Noes:       None

Absent:     None

Abstain:   None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 10th day of June, 2009.



\_\_\_\_\_  
City Clerk  
Newport Beach, California

(Seal)

